

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF OHIO
EASTERN DIVISION**

UNITED STATES OF AMERICA,

Plaintiff,

vs.

LANCE K. POULSEN, ET AL

Defendants.

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**Case No. CR2-06-129
JUDGE MARBLEY**

ORDER

This matter came before the Court for a hearing on the Motions to Continue the Trial Date in this case and on Attorney Frederick Benton's Motion for Appointment of Co-Counsel. Having reviewed the Motions and hearing the supporting arguments of counsel, the Court finds the Motions well taken and hereby **GRANTS** same. The Trial Date in this case is rescheduled for **Monday, November 5, 2007 at 9:00 a.m.** For the reasons stated at oral argument, Mr. James Irving is appointed as co-counsel for Defendant Randolph H. Speer.

I. PLEA NEGOTIATIONS AND PLEA AGREEMENT

Plea agreement discussions between the Assistant U. S. Attorney and the attorney for the defendant, pursuant to Rule 11(E), Federal Rules of Criminal Procedure, shall be commenced as soon as practicable. If a plea agreement is reached, notice thereof shall be given to the Court forthwith and a change of plea will be scheduled. Counsel are instructed to comply with the District Order 815 dealing with pleas of guilty offered pursuant to a plea agreement, and pleas of guilty offered in the absence of a plea agreement.

II. PRETRIAL

This matter is set for Final Pretrial Conference on **Friday, October 26, 2007 at 9:30 a.m.**

The following matters will be discussed at this Conference:

- (A) Motions In Limine:
- (B) Stipulations
- (C) Contested Legal Issues
- (D) Length of Trial
- (E) Voir Dire
 - (1) Procedure
 - (2) Number of Alternates
- (F) Need for Audio Visual Equipment or Other Special Equipment
- (G) Jury Instructions
- (H) Miscellaneous Issues

Motions in Limine, Proposed Jury Instructions, and a Memorandum detailing any of Contested Legal Issues from EACH party must be submitted to the Court by **Friday, October 5, 2007**. Response briefs must be filed by **Friday, October 12, 2007**. Reply briefs should not be submitted.

In addition, as discussed at the April 6, 2007 status conference, the Government is to provide Defendants with discovery relating to the "restored tapes" by **April 20, 2007**. The Government's production of "rolling discovery" is to be completed by **May 1, 2007**. Defendants' lists of expert witnesses are due to the Government by **June 15, 2007**, and Defendants must provide the Government with all responsive discoverable material by **August 6, 2007**.

Parties are reminded that they are to comply with the filing requirements of all previous orders. All deadlines set forth in this Order are firm. The parties **SHALL** file or submit to the Court's chambers all required documents by the dates set forth in these orders unless prior approval of the Court for filing on a later date has been obtained from the Court. Failure to do so will result in monetary sanctions or disallowance of the late-filed materials.

The next status conference is scheduled for May 3, 2007 at 8:30 A.M. in the chambers of the Hon. Algenon L. Marbley. At that conference, the Government will provide the Court with an estimate as to when it will turn over all *Brady* and *Giglio* material to Defendants.

s/ Algenon L. Marbley
ALGENON L. MARBLEY
United States District Judge

DATED: April 10, 2007